

REMARKS

This Amendment is submitted simultaneously with filing of a Request for Continuing Examination and also in connection with the interview held with the Examiner of the United States Patent and Trademark Office.

The Examiner's highly beneficial cooperation during the interview has been gratefully acknowledged. In connection with this, claims 41-74 have been cancelled, and only the claims related to a system of training a golf player, a method of training the golf player, and a golf putter for training a golf player are retained.

The claims were rejected, under 35 U.S.C. 103(a) over the patent to Tuer in view of the patents to Cameron, et al and Konov, and also McNitt.

It is respectfully submitted that in accordance with the present invention, in particular in the inventive system for training a golf player, method of training a golf player, and a golf plutter for training a golf player, interior means transmit swing data measured by interior sensing

means and also transmits simultaneously the serial number with each swing data.

It is respectfully submitted that the new features of the present invention which are now defined in the independent claims 75, 77 and 79 are not disclosed in the references.

Turning now to the references and particularly to the patent application to Tuer, it is respectfully submitted that this reference does not disclose any serial number, it does not disclose any means for transmitting the serial number with each swing data, and it does not disclose any interior transmitting means for transmitting the data corresponding to the sensed parameters and also transmitting the serial number with each swing data. Thus, this reference is completely silent about the above specified new features of the present invention as defined in the independent claims.

In the Final Office Action indicated that it would be simple and logical to one of ordinary skill in the art to attach some type of identification number for each player when using the golf club, and Tuer is very capable of doing so with components disclosed. Applicant has to

respectfully disagree with this position for the following reasons. As for the Examiner's opinion that it will be simple and logical to attach some type of identifying number, it is believed to be advisable to emphasize the following:

It is well known and it has been proven by technical and scientific progress as well as by patenting of new inventions that simplicity and logical nature of new ideas cannot be equated with their obviousness. Some most remarkable new, original, efficient and patentable solutions which have been patented are very simple and logical, and nevertheless they are definitely patentable. The complexity and absence of logic never represented an unshakable proof that the inventions are unobvious and patentable.

It is therefore believed that the simple and logical nature of the present invention can be considered as detrimental to its patentability, but to the contrary should be considered as its valuable feature.

Also, it is believed to be advisable to cite the decision W. L. Gore & Assoc., Inc. v. Garlock, Inc., as reported in 220 USPQ 303, 312-13, (Fed Circ. 1983) in which it was stated:

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record, way of suggested knowledge, is to fall victim of the insidious effect of a hindsight syndrome which that that only the inventor is taught is used against its teacher.

It is therefore believed that the concept that the present invention can be simply or logically derived from the solution proposed in the patent to Tuer should be considered as not justified.

In any event, not only the patent application to Tuer does not disclose the serial number, but also it does not disclose with a single word transmitting means for transmitting the serial number with each swing data and formed as interior transmitting means.

It is believed to be clear that this reference does not teach the new features of the present invention as defined in independent claims.

The patent to Konow teaches an electronically traceable golf club with a transponder which can be scanned by corresponding scanning or detecting means when the object passes through the corresponding scanner or detector. Konow does not teach any transmitting means for

transmitting data corresponding to the sensed parameters of the initial putter, and also does not teach any means for transmitting the serial number with each swing data, and it also does not teach any interior transmitting means for transmitting the data and transmitting the serial number with each swing data. Instead, Konow teaches a transponder in form of exterior strip. Konow does not teach the new features of the present invention as defined in the independent claims.

It is believed that it can not be considered as obvious to combine the teachings of the Tuer reference and the Konow reference. The Tuer reference is concerned with a golf club that analyzes the swing of a player with collection and processing of swing data and transmission of the data for receiving and processing them. The Konow reference is concerned exclusively with tracing a golf club at a certain location and does not sense transmit, collect, or process any swing data. Also, the transponder discussed in the Konov patent is a passive device and not an active device. Active devices are battery/electrically powered. There is no electric current flowing through the transponder and hence it is not controlled by the microprocessor.

In the present invention the serial number transmission is electrically activated and controlled with a microprocessor and it is attached to the swing data (i.e.-transmission of swing data and serial number). Tuer and Konov teachings electrically can not be combined as the transponder in Konov is a passive device and the Tuer's system is an active system.

There is nothing in the references which would give a person of ordinary skill in the art any hint or suggestion for combining such remote references with one another. In connection with this, it is believed to be advisable to cite the decision in *re Fritch* 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992) in which it was stated:

"Obviousness can not be established by combining the teachings of the prior art to produce the claimed invention, absent some teachings or suggestions supporting the combination. Under Section 103, teachings of references can be combined only if there is some suggestion or incentive to do so".

Definitely, there can be no teaching or suggestion in the references to support the combination.

It is respectfully submitted that it can not be considered as obvious to combine the above mentioned references, in particular the Tuer reference with the Konow reference and also in addition with the Cameron or Mc Nitt reference.

At the same time, if for some unknown and highly improbable reasons a person of ordinary skill in the art combine the teachings of the references of Tuer and Konow, he would arrive at a totally different system, method and putter, in which a golf club will be provided that analyzes the swing, collects interior swing data and process them, transmits the data, and is also provided with an outside transponder outside with an exterior transponder which traces the location of the golf club. Such a system will have nothing to do with the applicant's invention as defined in the independent claim. The applicant's invention resides in transmitting the serial number exclusively with transmission of the swing data and exclusively by the interior transmitting means, which is not disclosed in the references and can not be derived from them, either singly or in combination.

It is therefore respectfully submitted that the independent claims 75, 77, 79 should be considered as patentably distinguishing over the art and should be allowed.

Summarizing the above presented arguments, it is believed to be clear that the new features of the present invention as defined in the independent claims are not disclosed in any of the references, the proposed combinations of the references can not be considered as obvious, any proposed combination of the references would lead only to such systems, methods and putters which would be completely different from the systems, methods and putters in accordance with the present invention as defined in the independent claims.

It is therefore believed that the independent claims currently on file should be considered as patentably distinguishing over the art applied by the Examiner against the original claims and should be allowed.

As for the dependent claims, these claims depend on the corresponding independent claims, they share their presumably allowable

features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,

  
Ilya Zborovsky  
Agent for Applicant  
Reg. No. 28563

Please enclose the form and  
charge to 26-0085 if the  
fee is missing.

  
-1B-